

Before the
Administrative Hearing Commission
State of Missouri



SIKESTON IMAGING CENTER, LLC,

Petitioner,

vs.

DEPARTMENT OF SOCIAL SERVICES,
MISSOURI MEDICAID AUDIT AND
COMPLIANCE UNIT,

Respondent.

No. 13-2051 SP

DECISION

We grant the motion to dismiss filed by the Department of Social Services, Missouri Medicaid Audit and Compliance Unit (“the Department”) because the amount of reimbursement requested by Sikeston Imaging Center, LLC, is less than \$500. We have no jurisdiction to hear this case.

Procedure

On November 25, 2013, Sikeston Imaging Center filed a complaint appealing the Department’s denial of a claim for reimbursement of Medicaid funds in the amount of \$59.13. On November 30, 2012, the Department filed a motion to dismiss based on the information in the complaint and “Exhibit A,” which is not attached to its motion. We gave Sikeston Imaging Center until December 23, 2013, to respond to the motion, but it did not respond.

We may decide a case based on the pleadings if a party's pleading, taken as true, entitles another party to a favorable decision. 1 CSR 15-3.446(4).¹ We do so in this case, basing our findings of fact only on Sikeston Imaging Center's complaint and the logical inferences we draw from the complaint.

Findings of Fact

1. Sikeston Imaging Center is a Medicaid service provider.
2. Sikeston Imaging Center submitted a claim to Medicaid for one unit of service provided to S.L.M. for a mammogram. \$66.49 attributable to this claim was paid.
3. The Department assessed an overpayment of \$59.13.
4. Sikeston Imaging Center appealed this decision.

Conclusions of Law

We have jurisdiction to decide reimbursement disputes between the Department and Medicaid providers under § 208.156.2,² which states:

Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 whose claim for reimbursement for such services is denied or is not acted upon with reasonable promptness shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621, RSMo.

However, our jurisdiction is limited by § 208.156.6, which states:

No provider of service may file a petition for a hearing before the administrative hearing commission unless the amount for which he seeks reimbursement exceeds five hundred dollars.

The Department argues that we do not have jurisdiction over this case because the amount in controversy is less than \$500. If we have no jurisdiction to hear the petition, we cannot reach the

¹ All references to the CSR are to the Missouri Code of State Regulations as current with amendments included in the Missouri Register through the most recent update.

²Statutory references are to RSMo 2000.

merits of the case and can only exercise our inherent power to dismiss. *Oberreiter v. Fullbright Trucking*, 24 S.W.3d 727, 729 (Mo. App., E.D. 2000).

Sikeston Imaging Center's appeal involves \$59.13, an amount under \$500. This does not mean that Sikeston Imaging Center has completely lost its right to appeal this claim; it just cannot pursue it at this time. Section 208.156.8 states that "claims of less than five hundred dollars may be accumulated until they total that sum and at which time the provider shall have ninety days to file his petition."

Because the amount in controversy is less than \$500, we have no jurisdiction to hear this appeal. We grant the motion to dismiss.

Summary

We dismiss this case because we do not have jurisdiction to hear it.

SO ORDERED on December 27, 2013.

\s\ Karen A. Winn

KAREN A. WINN

Commissioner